

SCANNED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BERNARD BERGERON,

Plaintiff,

-against-

LOWE'S HOME CENTERS, INC., WHIRLPOOL
CORPORATION and ROPER BRAND HOME
APPLIANCES,

Defendants.

Case No. 08 CV 1860 (CLB)

**NOTICE OF MOTION
FOR ADMISSION
PRO HAC VICE**

PLEASE TAKE NOTICE that upon the annexed Affidavit of David A. Paul, Esq., sworn to April 7, 2008, the annexed Affidavit of George R. Neuhauser, Esq., sworn to March 21, 2008, the annexed Affidavit of Adriane Y. Sammons, Esq., sworn to March 21, 2008, and the exhibits attached thereto, and all prior pleadings and proceedings, defendants Whirlpool Corporation and Roper Brand Home Appliances, by their attorneys, Leader & Berkon LLP, with the consent of plaintiff's counsel, hereby move this Court, pursuant to Local Civil Rule 1.3(c), for an Order admitting George R. Neuhauser, Esq. and Adriane Y. Sammons, Esq. of the law firm Nall & Miller, LLP to appear in this case *pro hac vice*, and for such other and further relief as this Court deems just and proper.

Dated: New York, New York
April 7, 2008

FILED
U.S. DISTRICT COURT
2008 APR -8 PM 4:24
S.D. OF N.Y.

7-058 80/8/4 5969759

LEADER & BERKON LLP

By: 

GLEN SILVERSTEIN (GS 9174)

DAVID A. PAUL (DP 7629)

630 Third Avenue, 17th Floor

New York, NY 10017

(212) 486-2400

To: Robert Moson, Esq.
Finkelstein & Partners, LLP
436 Robinson Avenue
Newburgh, New York 12550
Attorneys for Plaintiff Bernard Bergeron

George Hodges, Esq.
Hodges, Walsh & Slater LLP
55 Church Street, Suite 211
White Plains, NY 10601
Attorneys for Defendant Lowe's Home Centers

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BERNARD BERGERON, X

Plaintiff,

Case No. 08 CV 1860 (CLB)

-against-

LOWE'S HOME CENTERS, INC., WHIRLPOOL
CORPORATION and ROPER BRAND HOME
APPLIANCES,

Defendants.

**AFFIDAVIT OF
DAVID A. PAUL, ESQ.**

X

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

DAVID A. PAUL, ESQ., being duly sworn, deposes and says:

1. I am an associate at the law firm Leader & Berkon LLP, counsel for defendants Whirlpool Corporation and Roper Brand Home Appliances (which is not a legal entity and incorrectly named as a defendant, but for purposes of this litigation, Roper is a Whirlpool brand). I am admitted to, and a member in good standing of, the United States District Court for the Southern District of New York and the Bar of the State of New York. I am familiar with the facts and circumstances of this case.

2. I make this affidavit in support of the motion to admit George R. Neuhauser, Esq. and Adriane Y. Sammons, Esq. to appear in this case *pro hac vice*. Mr. Neuhauser is admitted to, and a member in good standing of, the United States District Court for the Northern District of Georgia and the Bar of the State of Georgia. Ms. Sammons is admitted to, and a member in good standing of, the United States District Court for the Northern District

of Georgia, the United States District Court for the Middle District of Georgia and the Bar of the State of Georgia. Their respective Certificates of Good Standing are attached to each of their affidavits in support of this motion for admission *pro hac vice*.

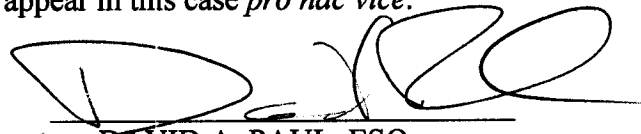
3. Mr. Neuhauser and Ms. Sammons are partners at the law firm Nall & Miller, LLP located at 235 Peachtree Street, NE, Suite 1500, Atlanta, Georgia 30303-1401.

4. Nall & Miller, LLP has been retained to represent defendants Whirlpool Corporation and Roper Brand Home Appliances as co-counsel in this matter. Nall & Miller, LLP serves as National Product Counsel for Whirlpool Corporation for certain of its products. Mr. Neuhauser and Ms. Sammons have familiarized themselves with the Local Civil Rules of this Court, as well as the individual practices of Your Honor and Magistrate Lisa M. Smith.

5. Leader & Berkon LLP will maintain an active role in this case to insure that the case proceeds with due regard for the laws, procedures, customs, and ethical obligations of this Court.

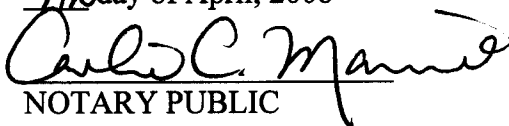
6. Plaintiff's counsel has consented to this motion.

7. Accordingly, it is respectfully requested that George R. Neuhauser, Esq. and Adriane Y. Sammons, Esq. be admitted to appear in this case *pro hac vice*.



DAVID A. PAUL, ESQ.

Sworn to before me on this
7th day of April, 2008



NOTARY PUBLIC

CAROLINE C. MARINO
Notary Public, State of New York
No. 02346165740
Qualified in New York County
Commission Expires June 15, 2011

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BERNARD BERGERON,

Plaintiff,

Case No. 08 CV 1860 (CLB)

-against-

LOWE'S HOME CENTERS, INC., WHIRLPOOL
CORPORATION and ROPER BRAND HOME
APPLIANCES,

Defendants.
_____X

AFFIDAVIT OF APPLICANT
GEORGE R. NEUHAUSER FOR ADMISSION *PRO HAC VICE*

GEORGE R. NEUHAUSER, being duly sworn, deposes and says:

1. I am a partner at the law firm Nall & Miller, LLP, co-counsel for
defendants Whirlpool Corporation and Roper Brand Home Appliances.

2. I submit this affidavit, which is based upon my personal knowledge, in
support of my application for admission to this Court *pro hac vice*.

3. I have been a member in good standing of the Bar of the State of Georgia
since 1978, the United States District Court for the Northern District of Georgia since 1979
and the United States Court of Appeals, Eleventh Circuit since 1981. There are no
disciplinary proceedings pending against me as a member of the Bar in any jurisdiction, nor
have there ever been such proceedings.

4. I have been retained by defendants Whirlpool Corporation and Roper Brand Home Appliances to represent them in the above-captioned matter. Nall & Miller, LLP serves as National Product Counsel for Whirlpool Corporation for certain of its products.

5. I agree to associate in this matter with Leader & Berkon LLP, 630 Third Avenue, 17th Floor, New York, New York 10017, pursuant to all applicable rules.

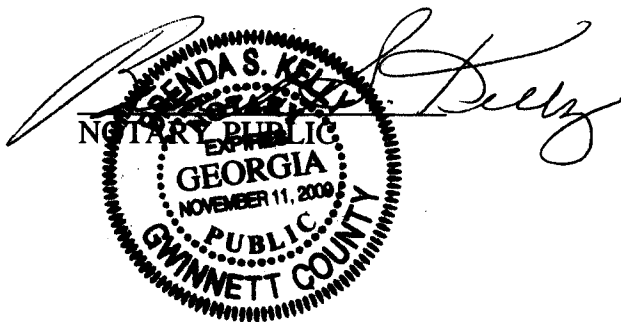
6. I have reviewed the Local Civil Rules of this Court, as well as the individual practices of Your Honor and Magistrate Lisa M. Smith.

7. Attached hereto are certificates from the Clerk of the Supreme Court of Georgia and the United States District Court for the Northern District of Georgia, certifying that I am a member in good standing.

8. WHEREFORE, I respectfully request admission to serve as counsel to defendants Whirlpool Corporation and Roper Brand Home Appliances in the above-captioned action.


GEORGE R. NEUHAUSER

Sworn to before me on this
31st day of March, 2008





**Supreme Court
State of Georgia**

STATE JUDICIAL BUILDING

Atlanta 30334

LEAH WARD SEARS, CHIEF JUSTICE
CAROL W. HUNSTEIN, PRESIDING JUSTICE
ROBERT BENHAM
GEORGE H. CARLEY
HUGH P. THOMPSON
P. HARRIS HINES
HAROLD D. MELTON
JUSTICES

THERESE S. BARNES, CLERK
JEAN RUSKELL, REPORTER

March 14, 2008

I hereby certify that George R. Neuhauser, Esq., was admitted on the ninth day of May, 1978, as a member of the bar of the Supreme Court of Georgia, the highest court of this State; and, since that date he has been and is now a member of this bar in good standing, as appears from the records and files in this office.

Witness my signature and the seal of this Court hereto
affixed the day and year first above written.

A handwritten signature in cursive script, reading "Leannette Edson".

Deputy Clerk, Supreme Court of Georgia

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BERNARD BERGERON,

Plaintiff,

Case No. 08 CV 1860 (CLB)

-against-

LOWE'S HOME CENTERS, INC., WHIRLPOOL
CORPORATION and ROPER BRAND HOME
APPLIANCES,

Defendants.

AFFIDAVIT OF APPLICANT
ADRIANE Y. SAMMONS FOR ADMISSION *PRO HAC VICE*

ADRIANE Y. SAMMONS, being duly sworn, deposes and says:

1. I am a partner at the law firm Nall & Miller, LLP, co-counsel for defendants Whirlpool Corporation and Roper Brand Home Appliances.
2. I submit this affidavit, which is based upon my personal knowledge, in support of my application for admission to this Court *pro hac vice*.
3. I have been a member in good standing of the Bar of the State of Georgia since 2000, the Georgia Court of Appeals since 2001, the United States District Court for the Northern District of Georgia since 2000, the United States District Court for the Middle District of Georgia since 2001, and the United States Court of Appeals, Eleventh Circuit since 2002. There are no disciplinary proceedings pending against me as a member of the Bar in any jurisdiction, nor have there ever been such proceedings.

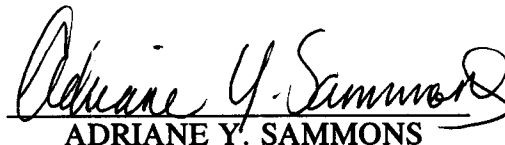
4. I have been retained by defendants Whirlpool Corporation and Roper Brand Home Appliances to represent them in the above-captioned matter. Nall & Miller, LLP serves as National Product Counsel for Whirlpool Corporation for certain of its products.

5. I agree to associate in this matter with Leader & Berkon LLP, 630 Third Avenue, 17th Floor, New York, New York 10017, pursuant to all applicable rules.

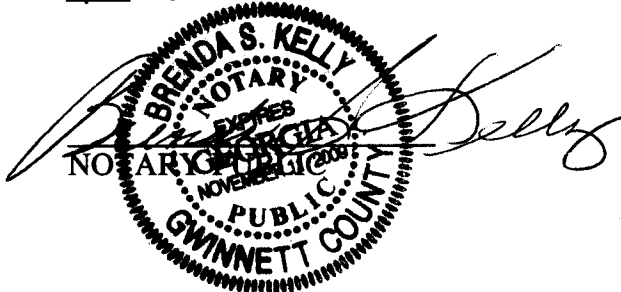
6. I have reviewed the Local Civil Rules of this Court, as well as the individual practices of Your Honor and Magistrate Lisa M. Smith.

7. Attached hereto are certificates from the Clerk of the Supreme Court of Georgia, the United States District Court for the Northern District of Georgia and the United States District Court for the Middle District of Georgia, certifying that I am a member in good standing.

8. WHEREFORE, I respectfully request admission to serve as counsel to defendants Whirlpool Corporation and Roper Brand Home Appliances in the above-captioned action.


ADRIANE Y. SAMMONS

Sworn to before me on this
21st day of March, 2008





**Supreme Court
State of Georgia**
STATE JUDICIAL BUILDING
Atlanta 30334

LEAH WARD SEARS, CHIEF JUSTICE
CAROL W. HUNSTEIN, PRESIDING JUSTICE
ROBERT BENHAM
GEORGE H. CARLEY
HUGH P. THOMPSON
P. HARRIS HINES
HAROLD D. MELTON
JUSTICES

THERESE S. BARNES, CLERK
JEAN RUSKELL, REPORTER

March 14, 2008

I hereby certify that Adriane C. Yelton Sammons, Esq., was admitted on the 15th day of December, 2003, as a member of the bar of the Supreme Court of Georgia, the highest court of this State; and, since that date she has been and is now a member of this bar in good standing, as appears from the records and files in this office.

Witness my signature and the seal of this Court hereto
affixed the day and year first above written.

A handwritten signature in cursive script that reads "Luanette Edison".

Deputy Clerk, Supreme Court of Georgia

CERTIFICATE OF GOOD STANDING

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

}
} SS.
}

I, *Gregory J. Leonard, Clerk of the United States District Court for the Middle District of Georgia*, DO HEREBY CERTIFY that *Adriane Y. Sammons* was duly admitted to practice in said Court on *September 24, 2001* and is in good standing as a member of the bar of said Court.

Dated at Macon, Georgia this March 19, 2008.



GREGORY J. LEONARD, CLERK

BY: *Nora Paul*
Nora Paul, Operations Specialist

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BERNARD BERGERON,

Plaintiff,

-against-

LOWE'S HOME CENTERS, INC., WHIRLPOOL
CORPORATION and ROPER BRAND HOME
APPLIANCES,

Defendants.

Case No. 08 CV 1860 (CLB)

**PROPOSED ORDER
ADMITTING COUNSEL
PRO HAC VICE**

Upon the motion for admission *pro hac vice* of George R. Neuhauser, Esq. and Adriane Y. Sammons, Esq., the Affidavit of David A. Paul, Esq., sworn to April 7, 2008, the annexed Affidavit of George R. Neuhauser, Esq., sworn to March 21, 2008, the annexed Affidavit of Adriane Y. Sammons, Esq., sworn to March 21, 2008, and the exhibits attached thereto, submitted by Leader & Berkon LLP, located at 630 Third Avenue, New York, New York 10017, attorneys for defendants Whirlpool Corporation and Roper Brand Home Appliances, with the consent of plaintiff's counsel, it is hereby ORDERED that, pursuant to Local Civil Rule 1.3(c), George R. Neuhauser, Esq. and Adriane Y. Sammons, Esq. of the law firm Nall & Miller, LLP be admitted to appear in this case *pro hac vice*.

U.S.D.J.

Dated: New York, New York
April ____, 2008